

**REMARKS:**

Reconsideration of the present application is respectfully requested. Claims 28-36, 46-52, 55-56, 60, and 62 were previously pending. By way of this Amendment, claims 28, 46, and 60 are amended. Thus, claims 28-36, 46-52, 55-56, 60, and 62 are pending with claims 28 and 46 being independent.

In the Office Action dated September 21, 2007, claims 28-36 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,470,641 to Faure ("Faure"). Additionally, claims 28-30, 36, and 62 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,314,699 to West ("West"). Finally, claims 28-36, 46-52, 55, 56, 60, and 62 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0121064 to Erwin ("Erwin"). For the reasons that follow, each of these rejections is respectfully traversed.

Applicant would like to thank the Examiner for his time and attention courteously extended to Applicant's representative during the telephone interview conducted on Wednesday, January 9, 2008. During the interview, independent claims 28 and 46 and proposed amendments thereto were discussed in relation to the Office Action dated September 21, 2007 and the references of Faure, West, and Erwin. The Examiner and Applicant's representative discussed Applicant's invention and proposed amendments. Moreover, it was agreed during the interview that the proposed amendments, and additional revisions discussed with the examiner and included herein, overcome the prior art rejections. Applicant particularly notes that it was discussed and agreed that the amendments to independent claims 28 and 46, submitted herewith, that limit the bottom surface of each protrusion to a disposition that is substantially parallel to the engaging surface of the fastener should overcome the disclosure of Erwin.

Applicant also notes that with respect to the rejection of independent claims 28 and 46 as being unpatentable over Erwin, Applicant takes the position that the disclosure of Erwin, particularly as depicted in FIGS. 1 and 2, does not show or suggest that a joist (or support member) and at least a portion of the bottom surface of the protrusion of the fastener cooperatively exert a

compressive or downward force on the lower lip of the board. In this regard, it is noted that FIGS. 1 and 2 of Erwin do not depict a joist at all, and furthermore that the spacing surrounding the protrusions of the fastener relative to the grooves in the boards indicate that no such compressive force is imparted to the lower lip of the board.

Therefore, in light of the amendments to independent claims 28 and 46 and the remarks above, it is respectfully submitted that the rejection of independent claim 28 as being anticipated by Faure, anticipated by West, and unpatentable over Erwin should be reconsidered and removed. In addition, it is respectfully submitted that the rejection of independent claim 46 as unpatentable over Erwin should also be reconsidered and removed. Accordingly, amended claims 28 and 46 should now be in condition for allowance.

In view of the allowability of independent claim 28, it is also respectfully submitted that claims 29-36 and 62, which depend directly and indirectly from allowable claim 28, and set forth further details of the invention not shown or suggested by the art of record, are also in full condition for allowance. Furthermore, in view of the allowability of independent claim 46, it is also respectfully submitted that claims 47-52, 55, 56, and 60, which depend directly and indirectly from allowable claim 46, and set forth further details of the invention not shown or suggested by the art of record, are also in full condition for allowance.

It is noted for the convenience of the Examiner that claim 60 has been amended as a result of the previous cancellation of claim 57.


In view of the foregoing remarks, Applicant respectfully submits that the present application should now be in full condition for allowance, and such allowance is courteously solicited. Should the Examiner have any questions, please contact the undersigned by telephone at (800) 445-3460.

A Petition for a One-Month Extension of Time for responding to the Office Action of September 21, 2007 accompanies this Amendment, along with the authorization to charge the requisite fee. The Commissioner is hereby authorized to charge any fees which may be associated with this communication to Deposit Account No. 19-0522.

Appl. No. 10/634,499  
Reply to Office Action of September 21, 2007

Respectfully submitted,

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(Docket No.: 33105)